

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:18-00172

CHADWICK EMMANUEL TAYLOR

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 20, 2022, the United States of America appeared by Negar M. Kordestani, Assistant United States Attorney, and the defendant, Chadwick Emmanuel Taylor, appeared in person and by his counsel, Timothy J. LaFon, Esq., for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a Twenty-four (24) month term of supervised release in this action on December 10, 2021, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 24, 2021.

The court heard the admissions and objections of the defendant, the evidence adduced by the parties, and the representations and arguments of counsel.

Pursuant to the court's findings of fact and conclusions of law as enumerated in open court on the record of this proceeding, which are ORDERED incorporated herein by reference, the court finds by a preponderance of the evidence that the defendant has violated the condition of his supervised release that, as set forth in Violation No. 4, he reside at Dismas Charities for a period of three months and abide by the rules and regulations of that facility in that he reported to Dismas Charities on December 10, 2021, but on February 11, 2022, after receiving approximately 12 disciplinary reports and 4 warning notices, he was placed on a termination probation contract, and on February 15, 2022, the defendant was terminated as a program failure due to a period of absence of at least four hours on February 11, 2022; all as set forth in the petition on supervised release, and by the court's findings on the record of the hearing.

The court further finds that the government failed to prove by a preponderance of the evidence that the defendant committed the offense of driving under the influence as charged in the Magistrate Court of Kanawha County, West Virginia, and as set forth in Violation No. 1 in the Petition in that the government failed to prove by a preponderance of the evidence that defendant was driving a vehicle or that the defendant unlawfully possessed or used a controlled substance as set forth in Violations No. 2 and 3, though the defendant when apprehended on February 20, 2022, was given nystagmus, walk and turn, and one leg stand tests which indicated impairment.

And the court finding, as more fully set forth on the record of the hearing, that Violation No. 4 as set forth above warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

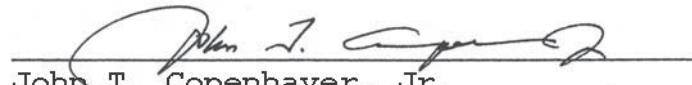
And the court having complied with the requirements of Rule 32.1(b) (2) and (c) (1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to

the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS imprisonment, to be followed by EIGHTEEN (18) MONTHS of supervised release, upon the same terms and conditions as heretofore except that defendant is no longer subject to the Dismas Charities requirement, and includes the additional requirement that the defendant participate in drug abuse counseling and treatment and random drug screens as directed by the Probation Officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 27, 2022


John T. Copenhaver, Jr.
Senior United States District Judge